

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 5:19-bk-02045-RNO
Andres C. Pinedo	: Chapter 13
Debtor	:
ABS REO Trust c/o Select Portfolio Servicing,	:
Inc.	:
Movant	:
vs.	:
	:
Andres C. Pinedo	:
Debtor/Respondent	:
and	:
Charles J DeHart, III, Esquire	:
Trustee/Respondent	:

**OBJECTION TO CONFIRMATION OF THE 2<sup>nd</sup> AMENDED PLAN**

ABS REO Trust c/o Select Portfolio Servicing, Inc. (“Movant”), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the 2<sup>nd</sup> Amended Chapter 13 Plan of Debtor, Andres C. Pinedo (“Debtor”), dated 8/27/19, as follows:

1. As of the bankruptcy filing date of May 10, 2019, Movant holds a secured Claim against the Debtor’s property located at 137 Maria Lane, Dingmans Ferry, Pennsylvania 18328 (the “Property”).

2. On July 18, 2019 Movant filed a Proof of Claim citing a total debt secured claim in the amount of \$34,692.54.

3. The 2<sup>nd</sup> Amended Plan does not propose for any payment to Movant, and instead proposes to avoid the lien (mistakenly refers to Movant as PNP Management Servs LLC), however, Debtor cannot cram down this loan as it is his principal place of residence. Moreover, Debtor has still failed to properly put forth an appraisal of the Property conducted by a licensed real estate appraiser to support their alleged value of the Property as \$97,817.00.

4. Movant believes the fair market value of the Property is more than the payoff on the first mortgage on the Property (see appraisal, dated 5/17/2019, with an estimated value of \$150,000, attached as Exhibit “A”), such that Movant’s lien cannot be deemed completely unsecured, or avoided, and Movant requests Debtor provide an actual appraisal and/or access to the Property to complete its own appraisal.

5. The 2<sup>nd</sup> Amended Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).

6. The 2<sup>nd</sup> Amended Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.

7. Movant objects to the feasibility of the 2<sup>nd</sup> Amended Plan under 11 U.S.C. § 1325(a)(6). The 2<sup>nd</sup> Amended Plan proposed by Debtor is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtor's 2<sup>nd</sup> Amended Chapter 13 Plan.

Respectfully submitted,

Dated: 09/18/2019

/s/Danielle Boyle-Ebersole, Esquire  
Danielle Boyle-Ebersole, Esquire  
Attorney I.D. # 81747  
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**CERTIFICATE OF MAILING OF OBJECTION TO THE PROPOSED  
PLAN TO PARTIES IN INTEREST**

I, Danielle Boyle-Ebersole, Esquire, attorney for ABS REO Trust c/o Select Portfolio Servicing, Inc. ("Movant"), certify that I served a copy of the attached Objection to the Plan to the parties below on 09/18/2019:

Mark E. Moulton, Esquire  
Via Electronic Filing  
*Attorney for Debtor*

Charles J DeHart, III, Esquire  
Via Electronic Filing  
*Trustee*

Andres C. Pinedo  
137 Maria Lane  
Dingmans Ferry, PA 18328  
Via First Class Mail  
*Debtor*

Respectfully Submitted,

Date: 09/18/2019

/s/Danielle Boyle-Ebersole, Esquire  
Danielle Boyle-Ebersole, Esquire  
Attorney I.D. # 81747  
Hladik, Onorato & Federman, LLP  
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**ORDER**

Upon consideration of ABS REO Trust c/o Select Portfolio Servicing, Inc.'s Objection to Confirmation of the proposed 2<sup>nd</sup> Amended Plan, and having heard the argument of counsel and for good cause having been shown;

It is on this \_\_\_\_\_ day of \_\_\_\_\_, 2019 ORDERED that the Confirmation is DENIED.

BY THE COURT:

\_\_\_\_\_  
Chief Judge Robert N. Opel II  
United States Bankruptcy Judge